IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 34 OF 2004

Shri Mahesh Sharma,
Central Jail, Aguada-Goa. ... Petitioner

versus

Mr. Vaswant Gaonkar,
Central Jail, Aguada-Goa. ... Respondent

Mr. Rohit Bras De Sa, Advocate under Legal Aid Scheme for the Petitioner.

Mr. S. N. Sardessai, Public Prosecutor for the Respondent.

CORAM : V. M. KANADE, J.

DATE : 22ND JUNE, 2005.

P.C.:-

The Petitioner had sent a letter from Central Jail, Aguada, in which he has complained about malpractices, negligence of duty and unnecessary harassment at the hands of the Jail Officials. In the letter, he has stated that he was convicted under Section 20(ii) of the N.D.P.S. Act and sentenced to undergo 10 years imprisonment and to pay a fine of

Rs.1,00,000/- and in default to suffer further imprisonment. This letter was sent on 19th June, 2004 through Jail. In the application itself, he has stated that he was to be released by September, 2004. The matter was adjourned in order to enable the learned Public Prosecutor to take instructions whether the Petitioner is still in Jail or not.

Mr. S. N. Sardessai, the learned Public Prosecutor appearing on behalf of the Respondent has brought to my notice an Affidavit filed by the Superintendent of Jail, Aguada in Criminal Writ Petition No. 46 of 2004 filed by the same Petitioner. In the said Affidavit in para 4, the Superintendent has stated that the Petitioner is no longer in the Jail and he has been released on payment of fine of Rs.1,00,000/- on 29-9-2004.

The learned Counsel appearing on behalf of the Petitioner has also admitted this fact. In view of this, the Criminal Writ Petition has become infructuous and is accordingly dismissed as infructuous.

V. M. KANADE, J.

RD.